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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1993

Addendum

CYPRUS

[22 December 1994]

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I. GENERAL MEASURES OF IMPLEMENTATION

1. The Department of Social Welfare Services is the official agency of the State responsible for matters concerning children's welfare and responsible for the administration of the following laws:

The Juvenile Offenders Law Cap. 157;
The Public Assistance and Services Law, (L. 8/91);
The Probation of Offenders Law Cap. 162;
The Children Law Cap. 352;
The Adoption Law Cap. 274;
The Relationship between Parents and Children Law, (L. 216/90);
The Children (Relationship and Legal Status) Law (L. 187/91);
The Sentences of Imprisonment (Conditional in Certain Imprisonment) Law (L. 95/72);
The Mentally Retarded Persons Law (L. 117/89);
The Homes for the Elderly and Disabled Persons Law (L. 222/91).

2. The enactment of the Relationship between Parents and Children Law in 1990 has been instrumental in harmonizing national law and policy with the Convention, which has been ratified by the Convention on the Rights of the Child (Ratification) Law L. 243/90.

A. Measures taken to harmonize national law and policy with the provisions of the Convention

3. Within the framework of the government policy for the reform and modernization of the Family Law a series of new laws was enacted aiming, inter alia, at bringing domestic laws in line with the provisions of international conventions such as the United Nations Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and others. Legal measures include the following:

(a) The Law on the Protection of Maternity which provides for maternity leave of 12 weeks' duration for all employed women, nursing breaks and the protection of pregnant women from dismissal and from work which may be detrimental to them or to their child's health (Law 54/87 and No. 66/88);

(b) The Law on the First Amendment of the Constitution, which has taken effect as of 1 January 1990, was pursued in order to facilitate the reform and modernization of the Family Law (Law No. 95/89). More precisely, this law amended article 111 of the Constitution according to which matters of marriage and divorce were governed by the Law of the Church and the jurisdiction of these matters belonged to the ecclesiastical courts;

(c) The amendment of the Constitution made possible the setting up of special family courts to which relevant matters of family relations were transferred (the Law No. 23/90 on Family Court followed);

(d) The Law No. 216/90 on parental care abolishes the patriarchal authority institutionalized by the previous legislation and sets in its place parental care. This care is both a duty and a right of both parents, who exercise it jointly in the best interests of the child. It covers everything

relating to the guardianship of the children, the administration of their property and their representation in all cases or legal acts concerning them or their property. If the parents disagree on the exercise of the parental care and the interest of the child makes it imperative for a decision to be taken, the decision is taken by the court on the application of either parent. In case of divorce, annulment of marriage or separation of the parents, the court decides to whom the parental care will be given. In such cases, the court takes into consideration, among other things, the interest of the child as well as its views. The parental care of a child born out of wedlock belongs to the mother and in case of legitimation the father acquires parental care as well. The parental care can be taken away by the court on the application of one of the parents or of the Director of the Department of Social Welfare Services. The Court can also appoint a guardian to whom the parental care is given;

(e) The Law No. 187/91 on the Legal Status of Children Born out of wedlock was pursued in order to give effect to the provisions of the relevant European Convention which was ratified by Law No. 50/79. According to the provisions of this law, the legitimation procedures have been simplified with the aim to facilitate children born out of Wedlock (the term illegitimate children is also abolished) to become members of a family and be afforded the same rights as the rest of the children.

4. Measures to harmonize national law and policy with the provisions of the Convention have been taking place also in the educational system of the country even though on the whole the entire educational policy and legislation are in fact in line with the provisions of the Convention.

5. Regarding legislation, the decision of the Council of Ministers for compulsory education of children between the ages of 12-15, will be enforced by law. A relevant proposal has been forwarded to the House of Representatives for approval.

6. Amendment of the Special Education Law is planned in order to conform with the contemporary educational policy for merging children with special needs in the normal primary and secondary school. Furthermore, attention will be directed towards the differentiation and variety of the programmes so as to effectively meet all the needs of exceptional children, including the gifted and talented.

7. Preschool education, although not compulsory, is gradually expanding.

8. In secondary education, efforts are being made to enhance versatility of the Optional Subjects System so as to increase the options and provide the individual with a wider range of subjects.

B. Existing or planned mechanisms at national or local level for coordinating policies relating to children and for monitoring the implementation of the Convention

9. The Social Welfare Department is active in making the principles and provisions of the Convention widely known, not only through its participation

in the Committee for the Protection and Welfare of Children but also through the direct contact it maintains with individuals, families, communities and voluntary organizations.

10. In addition to disseminating information on children's rights in the course of their field work, social workers participate in television and radio discussions, give public lectures and write newspaper articles in order to reach the wider public. Furthermore, in its efforts to promote public awareness on related matters pertaining to children's rights and welfare, the Department has issued pamphlets on the following topics: foster care; institutions; home help; grants in aid; adoptions; public assistance.

11. The Ministry of Justice attaches great importance to increasing awareness among the public regarding human rights and human rights instruments. To that end it organizes seminars on the occasion of relevant anniversaries, it publishes and disseminates in a simplified form and in the local language, the texts of the most important instruments of the United Nations and the Council of Europe. It has to be said here that international conventions are translated into the Greek language and are published in the official gazette of the Republic after they have been ratified by law by the House of Representatives.

12. The Permanent Central Agency for Women's Rights, which is the national women's machinery, comes under the Ministry of Justice and has been playing a very important role in making legal texts on women's rights well known to the public. This was possible and feasible due to the fact that more than 50 organizations including women's organizations, trade unions, teachers' associations, etc. are members of the Agency and are used as channels of information. The Convention on the Elimination of All Forms of Discrimination against Women, which was ratified by Law No. 78/85, is considered the most important international instrument in this field and has been widely disseminated to NGOs, mass media, government departments and other interested groups. The Agency also organizes seminars and other events on the occasion of the anniversary of the Declaration on the Elimination of Discrimination Against Women, which also has been disseminated widely to the public.

13. The Committee for the Protection and Welfare of Children, which is a representative body of all governmental and non-governmental organizations concerned with the welfare of children, has been very active in spreading knowledge of the Convention. Through the activities of "Children's Week", which has been instituted by the Committee as an annual event since the International Year of the Child (1979), the principles and provisions of the Convention were made known to the wider public. In fact, the activities of Children's Week in all the years since 1989 were focused on the Convention with the active involvement of children.

14. More specifically, in 1989 a ceremonial event was organized with high-level government participation on the date (20 November) of the adoption of the Convention by the United Nations General Assembly. During the same week a national conference was organized on the Convention where representatives of all interested professional organizations (lawyers,

doctors, etc.) discussed their obligations arising from the Convention. A panel discussion with children speakers and participants was also organized with the theme "The Convention and our obligations".

15. In 1990, similar activities during Children's Week were concluded by a children's demonstration, which the Committee organized outside the building of the House of Representatives on 20 November. The children met with the President of the House who addressed them and received their petition demanding ratification of the Convention.

16. Children's Week in 1991 (the first year after ratification of the Convention) was totally devoted to the Convention and included a Working Conference where representatives of member organizations of CPWC and the government departments concerned (Health, Education and Welfare) discussed the action needed for full implementation of the Convention in all sectors of Government.

17. In 1992 the major activity focused on the role of the family in advocating the implementation of the provisions of the Convention by all agencies and authorities and the responsibility of parents to apply the Convention within the family itself. Primary school children worked on an assignment to draft a petition to the Government for the full implementation of the Convention. Selected extracts from 30 such drafts were put together by CPWC in a common petition which was handed to the President of the Republic by a delegation of 100 children who met with him at the Presidential Palace.

18. Apart from the above activities CPWC set up in 1991 a "Permanent Subcommittee" with a mandate to monitor the implementation of the Convention. The Subcommittee has prepared a popularized draft version of the Convention and at a meeting with the competent Minister (Labour and Social Insurance) secured his support for its publication. At the same meeting the Subcommittee secured the Minister's agreement to set up an Interministerial Commission for monitoring the implementation of the Convention on which the Committee for the Protection and Welfare of Children will also be represented.

19. Within the educational system, efforts are made so that the principles and the provisions of the Convention are made known to teachers, pupils and the public through the organization of various activities, enactment of policies and practices in the educational system such as:

(a) Direct communication between the Ministry of Education with the school (educational programmes, circulars, notifications, supervision, in-service training of teachers as well as official publications);

(b) Organization of contests among schoolchildren on the national level such as essay writing, poster design, poetry writing on issues related to the content of the Convention;

(c) Organization of festivals for children by associations interested in the welfare and entertainment of the child;

(d) Support by the Ministry for activities organized through private initiative;

(e) Cooperation and exchange of ideas between educators and other organizations such as associations of writers, artists, publishers, librarians, etc.;

(f) Publications in the daily press and special programmes in the other mass media, lectures and discussions in parents' associations, meetings, etc.

C. International conventions

20. Cyprus has ratified and become a State party to various international instruments which guarantee the right to equality of all persons, including the following:

(a) International Covenant on Economic, Social and Cultural Rights (ratified by Law No. 14/69);

(b) International Covenant on Civil and Political Rights (ratified by Law No. 14/69);

(c) European Convention for the Protection of Human Rights and Fundamental Freedoms (ratified by Law No. 39/62) and relevant protocols;

(d) International Convention on the Elimination of All Forms of Racial Discrimination (ratified by Law No. 12/67);

(e) European Social Charter (ratified by Law No. 64/67);

(f) Convention against Discrimination in Education (ratified by Law No. 18/70);

(g) Convention on the Elimination of All Forms of Discrimination Against Women (ratified by Law No. 78/85).

Note: International conventions have superior force to any municipal law when ratified.

II. DEFINITION OF THE CHILD

21. According to existing legislation pertaining to children's welfare (Children Law Cap. 352 and the Relationship between Parents and Children Law 216/90), "child" means a person under the age of 18.

22. The Juvenile Offenders Law Cap. 157 defines a "child" as a person under the age of 14 years and a "young person" as a person who is 14 years of age or upwards and under the age of 16 years. It should be noted, however, that the Juvenile Offenders Law is currently being revised.

23. The Children and Young Persons (Employment) Law defines a "child" as a person under the age of 16 years and a "young person" as a person who has attained the age of 16 years and is under the age of 18 years.

24. For the purposes of the new Law on the Adoption of Children "a child means every human being below the age of 18 years who is not or has never been married".

25. The Children and Young Persons (Amendment) Law No. 239/90, provides that:

(a) No child under the age of 15 may be employed in any occupation;

(b) No child (i.e. under the age of 16) may engage or be employed in any industrial undertaking;

(c) No child or young person may engage or be employed in any occupation underground or in mines.

26. Furthermore, the Children and Young Persons (Employment) Law expressly prohibits the employment of children and young persons in a number of trades and occupations which are likely to jeopardize their health or safety. These trades and occupations are listed in Part I, II and III of the Schedule to the aforesaid Law.

III. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

27. The principle of non-discrimination is safeguarded in the Cyprus Constitution. Article 28 of the Constitution reads as follows:

(a) All persons are equal before the law, the administration and justice and are entitled to equal protection thereof and treatment thereby;

(b) Every person shall enjoy all the rights and liberties provided for in this Constitution without any direct or indirect discrimination against any person on the ground of his community, race, religion, language, sex, political or other convictions, national or social descent, birth, colour, wealth, social class, or on any ground whatsoever, unless there is express provision to the contrary in this Constitution;

(c) No citizen shall be entitled to use or enjoy any privilege of any title of nobility or of social distinction within the territorial limits of the Republic;

(d) No title or nobility or other social distinction shall be conferred by or recognized in the Republic.

B. Best interests of the child (art. 3)

28. The main legislation in the field of child welfare is administered by the Department of Social Welfare Services and aims at safeguarding the welfare of all children. The Children Law Cap. 352 is one of the main provisions of legislation concerning children. The main provisions of this Law can be outlined as follows:

(a) It ensures the protection and care necessary for a child's well-being;

(b) It provides for the removal from home and protection of children who are either neglected, abandoned or cruelly treated, exposed to moral and physical danger or are out of the control of their parents or guardian;

(c) It ensures by means of State supervision that institutional services and facilities providing for children conform with the standards established by the State, particularly in the areas of safety, health, suitability and competence of staff;

(d) It provides for the supervision of children in their home if problematic family circumstances fail to provide for an adequate family functioning, ensuring thus that children's basic needs are sufficiently met.

29. Safeguards for the best interests of the child are in particular provided in the Law on the Relationship between Parents and Children which was enacted in November 1990. A major significance of this Law is the fact that the authority of the father, which prevailed in existing legislation concerning children, is now replaced by the parental care of both parents which is exercised jointly for the best interests and well-being of the child. According to the same Law, every decision made by parents with respect to exercising parental care or by the court as to which parent is to be granted the custody of a child, must aim at and consider first and foremost the best interest of the child. No prior legislation in the field has underlined this principle so explicitly and with such resoluteness.

30. There are, however, occasions where efforts to promote the best interests of a particular child are hampered when safeguarding them means breaching the rights of another party, namely that of their parents. For example, the law requires that a child be placed for adoption only after parents have consented to it regardless of whether they are considered to be permanently unfit to ever provide care and protection to their child and regardless of whether or not they show any interest in their child, which has usually already been removed from home and is either fostered or is placed in an institution. This clearly deprives the child from the possibility of receiving permanent substitute care through adoption. A certain article in the law that gives the Court the right, under very special circumstances, to dispense with the consent of the parent is very rarely, if at all, made use of.

C. The right to life, survival and development (art. 6)

31. The right to life, survival and a decent existence is safeguarded in the Constitution of the Republic (arts. 7, 9).

32. The curricula for all levels of schooling have as their principal aim the promotion of the overall development of the child. Equal emphasis is given to the promotion of their physical, mental, emotional-social, spiritual and aesthetic development.

D. Respect for the views of the child (art. 12)

33. The existing judicial system in Cyprus provides the child, where possible, with the opportunity to express its views and to be heard in matters that affect its welfare. In this respect, article 6 (3) of the Relationship between Parents and Children Law, clearly states that "the child in accordance with the level of its maturity and the extent to which it is capable of perceiving must be asked to express its opinion which in turn is to be taken into consideration, along with other factors, before any final decision regarding parental care can be made ...".

34. Where the family situation is such that it calls for the child to be taken into care and be temporarily or permanently placed in an institution or with foster parents, every effort is made to appropriately prepare the child for its imminent removal from home and allow it to participate, depending on its age, in the planning process. In cases where children are placed for adoption, special attention is given so that they are consulted and encouraged to participate in a way appropriate to their age and understanding in all decisions and at all stages of the adoption process.

IV. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality (art. 7)

35. The Births and Deaths Registration Law (Cap. 275) provides that "In the case of every child born in Cyprus, ... it shall be the duty of the father or mother of the child or, in default of the father and mother, of the doctor or midwife in attendance upon the mother at the time or within six hours after birth or, in default of such a doctor or midwife of the occupier of the house or premises in which a child is born, to give to the Registrar within 15 days next after such birth, information of the particulars required to be registered concerning the birth and, in the presence of the Registrar to sign the register".

36. The same Law also provides for cases of children found exposed, and for the issue of birth certificates upon request by the Registrar.

37. The Relationship between Parents and Children Law states that parents can specify the child's surname by jointly signing a statement before the Registrar of births. The child's surname may be that of either parent or a combination of the two but under no circumstances can the child be given more than two surnames. If the parents omit to sign a joint statement within the specified period of three months from the end of the month in which the child was born, the child has the father's surname.

38. According to the same Law, a child born outside wedlock takes its mother's surname. The husband of the mother of a child born out of wedlock may give his surname to the child by signing a statement before the Registrar of births, if the mother consents to this. In the case of recognition, the parent/parents of the child are entitled within six months from the date that recognition has been completed to add the father's surname to the child's name by making a statement to the Registrar of births.

39. A citizen of Cyprus under the age of 18 is considered as under-aged for the purpose of obtaining a Cypriot passport. In this case the application has to be made by the parents and/or legal guardian(s) of the minor.

40. Cypriot passports are issued on the basis of Administrative Instructions.

41. Under the Cyprus Citizenship Laws of 1967-1983 a minor is considered as a person who has not attained the age of 21 years of age. An application for citizenship made on behalf of a minor should be submitted by the father and/or mother or guardian of the minor.

42. Children of citizens of the Republic of Cyprus have, in general, the right to acquire Cypriot citizenship.

43. Children whose father is a citizen of Cyprus, born in Cyprus after the establishment of the Republic (16 August 1960) acquire Cypriot citizenship automatically at birth under Section 4 (1) of the Republic of Cyprus Citizenship Laws of 1967-1983. If born abroad such children may be registered as citizens of Cyprus, after an application made by their parents, under Section 4 (2) of the above-mentioned Laws.

44. Children, either or both of whose parents are citizens of Cyprus, may be registered as citizens of Cyprus, after application by a parent or guardian, under Section 5 (3) of the above Laws.

45. Under Cyprus Legislation the Cypriot nationality of a child is preserved and is not lost in any case. (The reservations referred to in Section 4 (2) of the Cyprus Citizenship Laws of 1967-1983 have been deleted under Law 74 of 1983. Under these reservations children who acquired Cypriot citizenship by registration under the above Section lost their Cypriot citizenship when becoming 21 years old if resident abroad and had to re-apply to retain it.)

46. A child adopted under Cypriot legislation (Chapter 274) is considered as a legitimate child under the Cyprus Citizenship Laws of 1967-1983 (Section 9(23)) and for any other purpose.

B. Preservation of identity (art. 8) and protection of privacy (art. 16)

47. The right of children to preserve their identity, including nationality, name and family relatives, is guaranteed by the national laws and the Constitution, particularly article 7 of the Constitution which guarantees that every person has the right to life and corporal integrity and article 15 which provides for the right of every person to respect for his private and family life.

C. Freedom of expression (art. 13), access to appropriate information (art. 17), freedom of thought, conscience and religion (art. 14) and freedom of association and of peaceful assembly (art. 15)

48. The above rights are all established and guaranteed by particular Articles of the Constitution.

49. The major provisions of the relevant Articles are as follows:

Article 19: "Every person has the right to freedom of speech and expression in any form."

Article 29: "Every person has the right individually or jointly with others to address written requests or complaints to any competent authority and to have them attended to and decided expeditiously ...".

Article 18: "Every person has the right to freedom of thought, conscience and religion."

Article 21: "Every person has the right to freedom of peaceful assembly. Every person has the right to freedom of association with others ...".

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance (art. 5) and parental responsibilities (art. 18, paras. 1-2)

50. In Cyprus family social policy is based on the principle that family life is the most important context of socialization of the child and recognizes the fundamental role it has to play in the biopsychosocial development of the child. Consequently, a very central place in social welfare policy is attributed to preventive services. Counselling is provided to families at risk to guide them in exercising the parental role and enable them to function more adequately for the benefit of the children.

51. The Law on the Relationship between Parents and Children clearly recognizes that "the care of the child is the duty and right of the parents who shall exercise this in common" (art. 5 (i) of the Law).

52. At the same time, however, the Government also acknowledges that in our times, where more and more women are entering the labour force, parents need to be strengthened and supported by means of practical assistance to ensure that they fulfil their role as best as they can. This principle is within the framework of the provisions made in article 18, paragraphs 1-2, of the Convention.

53. Therefore, during the past years greater emphasis has been placed on the provision of concrete services to families and more and better child care resources have been made available with the aim of assisting and empowering families - parents in particular - in carrying out their child-rearing responsibilities. In this way, the role of parents, which is increasingly becoming more complex because of increased demands on the family due to rapid social changes, becomes more manageable. Some of these programmes which are run by the State are the following.

Day-care centres

54. The State runs a limited number of day-care centres for preschool children. Priority for attendance is primarily given to children of working mothers. However, the involvement of the community and local authorities is

actively pursued in the areas of problem prevention in general. The State provides financial and technical assistance to local authorities and voluntary organizations in order that they may set up and run community programmes facilitating children, such as day-care centres for preschool as well as school-age children. A recent survey which was carried out by the Department has shown that a considerable number of school-age children - below the age of 11 - stay at home alone and unsupervised while waiting for their parents to return from work. This finding alerted the Department which in turn encouraged local authorities in areas where facilities for school-age children were inadequate in order that they may establish their own appropriate community services and programmes. The results have been very encouraging and in the last few months 9 new community day centres for school-age children have commenced operation, making a total of 26.

55. The Ministry of Education on its part has been expanding pre-primary education to meet the needs of preschool children. Where places are limited, priority is given to children of working parents. Government support has taken the following forms: setting up new public nursery schools; subsidizing community nursery schools; encouragement and assistance of private nursery schools; establishment of leisure centres or children's clubs for children of working parents for after school activities.

56. Although in the past, most nursery schools operated in the morning (7.30 a.m. to 1.30 p.m.), during the last three years the daily programme has expanded to cover additional afternoon hours in order to provide care as well as education to children of working parents.

Home-help services for families with children

57. This programme is a rather new development and its purpose is to meet the needs of mainly multi-problem families. The home-maker may:

(a) Merely help families develop housekeeping and social skills in order that they may carry out their roles more effectively and gradually assume their responsibilities in the house;

(b) Promote protective care for abused or neglected children where mothers may be taught how to take care of their children;

(c) Assume the role of a "substitute mother" in cases where the mother has to be temporarily hospitalized and the father is not in a position to undertake responsibility for the care of the children. This, in effect, prevents the removal of children from their homes.

Day care in foster families

58. This service was established only recently. Selected foster families care for children who have special needs and come from families with problems. Special help and positive experiences are provided in a healthy environment for the whole day or part of it, at the same time relieving the family partially from the stress of having to constantly look after a child with special needs. Again in this way the removal of the child from home can be avoided.

B. Separation from parents (art. 9)

59. Even though every effort is made to keep children at home with their own families, this has not always proved possible.

60. The Director of the Department of Social Welfare Services is empowered by the Children Law to take into his care children who are in need of care and protection and must be removed from their home. Where parents do not consent to their child being taken into care, a court order is obtained. In emergency situations, the Director can proceed and place a child under his care and even assume parental rights for the child (e.g. in cases of child abuse) without going through court proceedings. In the event of this happening without the parent's consent, the parent has the right to object to the assumption and the court will then decide whether the assumption was rightfully made or to the contrary. It has to be noted here that the Department is very sensitive to the right of the child and its parents to maintain contact between them and will see to it that this is safeguarded. It is in very rare cases that such communication is not encouraged. This may happen when such contact is considered to be contrary to the best interests of the child. In order to encourage contact, the Department reimburses the parents against their travel expenses so that their efforts to retain personal contacts with their child are not hampered because of financial difficulties.

61. Moreover, the Relationship between Parents and Children Law 1990 stipulates that it is the duty and right of both parents to jointly exercise parental care which includes determining the child's name, having custody of the child, administering its property and representing it in every matter and in judicial proceedings concerning the child itself or its property.

62. In cases of divorce, annulment or separation, parental care is regulated by the Court and may be assigned to one of the parents or to both if they agree and simultaneously determine the child's place of residence or to a third party. The Law states that every decision made by the court must aim at the best interests of the child and should take into account the child's opinion, according to the level of its maturity and the extent of its understanding.

63. The court may terminate parental care in cases of neglect, violation or abuse of parental duties and responsibilities. If parental care is taken away from both parents, it may be assigned to a guardian.

64. In Cyprus there is one category of children whose right to have regular contact with their parents is being utterly violated. These are the children whose parents live in the part of Cyprus which is occupied by the Turkish military forces, where there are no secondary education facilities. These children must either be deprived of secondary education or be separated from their parents in order to attend secondary school in the free area under the control of the Government of the Republic of Cyprus. They live in boarding houses run by the State and the younger ones are only allowed by the occupying forces to visit their parents during festive periods (Christmas/Easter). Older children are not allowed to visit their families at all, while those wishing to return to their homes, on completion of their education, are

prevented from doing so and are, therefore, obliged to live in the area under the control of the Government of the Republic without their families.

C. Family reunification (art. 10)

65. If it is considered in the best interests of a child who lives apart from its parents in another country to reside with its parents, then efforts are made for family reunification. Before any final arrangements are made to this end, however, the Department needs to be satisfied that circumstances in the natural family permit such a family reunion. Where parents and children reside in different countries, the International Social Services have a substantial role to play in liaising between the parties involved. The Department works quite closely with this organization in all matters that concern children.

D. Recovery of maintenance for the child (art. 27, para. 4)

66. The Relationship between Parents and Children Law states very clearly that "parents have an obligation to maintain their children each one according to his/her ability". In cases where the parents have separated or divorced, the non-custodial parent pays maintenance for his child based on his resources and level of ability. Failure to meet this obligation is an offence and the State employs the appropriate mechanisms to see to it that the parent involved abides by his legal obligations.

67. It should be noted that in 1978, Cyprus ratified by Law 50/78 the Convention on the Recovery Abroad of Maintenance according to which maintenance orders can be enforced within the framework of international cooperation. In addition to the above Cyprus has entered into bilateral agreements with a number of countries which provide for the registration and enforcement of maintenance orders.

E. Children deprived of a family environment (art. 20)

68. As mentioned earlier, the Children Law Cap. 352 provides for the removal from home and protection of children who for their own best interests cannot be allowed to remain in their family environment. The Department makes provisions for alternative care for such children. The various programmes available are described below.

Foster families

69. In accordance with the Children Law, the Department is responsible for the study and selection of foster families with which it places children on payment. When placing a child, due regard is paid to the continuity in a child's ethnic and religious background. Mixed marriages recently on the rise in Cyprus, which had thus far been characterized by a more or less homogeneous population, is a new development becoming more and more a matter of concern and has caught us somewhat unprepared. There have been cases, though few and far between, where it has not been possible to place a particular child of a certain religious background with foster parents of the same religious affiliation.

70. Foster parents are regularly supervised by social workers in order to ensure that the needs of the child placed with them are duly met. A total number of 109 children are presently placed in foster homes.

71. Group foster homes were introduced in 1986 and are used mainly in cases where more than one child from the same family are taken into care. In this way, siblings are able to stay together. Group foster homes operate with governmental or other voluntary support.

Institutional care

72. Other facilities providing substitute care to a child whose parents cannot and/or will not implement their parental role are residential institutions.

73. The Department operates:

(a) Four Children's Homes, one in each district, for children aged 5-14 years. These Homes are small enough to create a family atmosphere and intimate and personal relationships can be cultivated;

(b) One Boy's Hostel for delinquent or pre-delinquent boys of 12 to 18;

(c) A Home for severely retarded children aged 5 to 16 years.

74. Apart from the above State-run services, homes for children with special needs have been established by the private sector and voluntary organizations. The Department is responsible for the registration and inspection of these programmes.

75. The number of children placed in State-run institutions is currently 113.

F. Adoption (art. 21)

76. The court, according to the Adoption Law Cap. 274, appoints a Welfare Officer to act as a guardian ad litem of the child upon the hearing of the application for adoption with the duty of safeguarding the interests of the child. The Welfare Officer submits a socio-economic report to the court stating whether the adoption of the particular child is recommended or not. The case is supervised by the Welfare Officer for at least three months before the preparation of the report. The Law regarding Adoption is under review and there is a bill pending before the House of Representatives for a new Adoption Law. The main innovative features of the bill are:

(a) Ecclesiastical adoption ceases to be a necessary requirement for lawful adoption. Under the existing Law (Cap. 274 and ecclesiastical law concerning adoption), the Civil Court will not issue an adoption order unless an ecclesiastical adoption has been attained. However, it has been noticed that the duplication of procedure creates not only delays and anxiety to the interested parties but also problems due to the intrinsic conflict between the provisions of the two sets of laws concerning adoption;

(b) The placement of minors for adoption purposes will be constituted either through the Governmental Agency of Social Welfare or directly by the person responsible for the case of the minor provided that he/she fulfils certain requirements. It is believed that both private initiative and government services are capable of making the proper arrangements for the adoption of minors;

(c) The Governmental Agency of Social Welfare will be informed of all adoption cases before an application for adoption is submitted to the Court. Hence, it is believed that improper initial placements will be avoided since an interim order can also be sought and issued where it is believed that a suggested placement will have prejudicial consequences on the minor;

(d) New provisions are included for the protection of the adopted child before an adoption order is issued and the information of adopted persons about their origins and natural parents.

G. Illicit transfer and non-return (art. 11)

77. The Government of Cyprus does not permit the illicit transfer of children in and out of the country. Transfers are permitted only in case they are to join their parents, a guardian or a relative. A minor cannot enter the country unless it is accompanied by a parent or guardian or relative and/or is expected by someone who can be considered responsible for the child.

78. It should be noted that the Republic of Cyprus has approved the European Convention on Recognition and Enforcement of Decisions Concerning the Custody of Children and on Restoration of Custody of Children, by Decision 39.284 of 12 May 1993.

79. The Council of Ministers has also approved the accession of the Republic to the Hague Convention on the Civil Aspects of International Child Abduction.

H. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)

80. Regarding the protection of children from abuse and the role of the Department, a reference has already been made in previous sections concerning existing legislation and measures of dealing with the problem. Other measures, however, have been introduced by the State as well as the voluntary sector and are in force to deter and combat the problem of child abuse.

State initiative

81. In Cyprus child abuse cases that come to the attention of the appropriate authorities are considered to be of a limited number. However, the considerable severity of some of them in the past 4-5 years alerted the professionals involved in child development and welfare who identified a need for a coordinating body and appropriate mechanisms for a uniform handling of the problem. The Permanent Committee for the handling of the problem of child abuse was, therefore, set up in October 1990. The goals of this Committee are mainly:

(a) To study and follow up on the development of the problem of child abuse;

(b) To study and make suggestions to the Government for the prevention as well as therapeutic handling of the problem of child abuse;

(c) To design and follow up on the mechanisms and coordinatory procedures of the actions of all professionals who are dealing with the issue of child abuse;

(d) To form and follow up the undertakings of specially set up working groups to carry out specific projects. One such specialized working group is a multidisciplinary therapeutic team consisting of various helping professionals (child psychiatrist, psychologist, paediatrician, social worker, etc.) that has been operating in the hospital to handle child abuse referrals and in particular to intervene therapeutically in the family of the victim, with the aim of preventing future occurrence of violent behaviour against the child.

82. The Violence in the Family (Prevention and Protection of Victims) Law 47 (I) 94, which was enacted in 1994, does not aim solely at the protection of one spouse from another but also of children, parents and other persons in the same household. The Law empowers the court to order the removal of a child victim of violence from its home. A child is considered a victim of violence even when there is no direct violence on it and it is simply a witness of repeated acts of violence committed by one member of the family against another.

83. One of the objectives of the Law is to express unequivocally the abhorrence of the State and its condemnation of every form of violence exercised by one member of the family against another. This is expressed by drastic increases of the penalties provided for all forms of violent activities whenever they are practised within the family.

84. Other objectives of the Law are:

(a) To facilitate the reporting and trial of such incidents;

(b) To empower the court to issue orders prohibiting the assailant from staying in the family home for the protection of the victim from the repetition of similar violent activities;

(c) To empower the court to issue interim restraining orders pending the trial of the case;

(d) To create a family counsellor and a committee for furthering the objectives of the Law;

(e) To set up a multidisciplinary group for professional advice to the Committee;

(f) To establish a fund for the purpose of facilitating the furtherance and achievement of the objectives of the Law.

Voluntary initiative

85. A Centre for the Immediate Help of Victims of Domestic Violence is run by the Association for the Prevention and Handling of Domestic Violence (a voluntary organization). Specific aims of this programme are: the provision of immediate help in crisis situations upon victims' request, psychological support to victims, guidance and counselling, legal advice and shelter in emergency situations. Help is mainly given on the telephone and sometimes through personal interviews as well. The Centre operates from 8 a.m. to 4 p.m. A need to operate the Centre on a 24-hour basis has recently been identified. The programme is partly funded by the State.

I. Periodic review of placement (art. 25)

86. All placements are periodically reviewed. Treatment offered and goals achieved are assessed and new objectives are set. Every child's case is discussed at least once every six months for the first two years of its reception into care and accordingly thereafter. Special committees which operate locally in each District Welfare Office have been set up for this purpose.

VI. BASIC HEALTH AND WELFARE

A. Survival and development (art. 6, para. 2)

87. Children in Cyprus in general enjoy favourable conditions of child development and survival as reflected in the following health indicators:

(a) Life expectancy at birth: 1987/91 - Males: 74.1 years, Females: 78.6 years;

(b) Total fertility rate: 1988-1991: 2.41;

(c) Crude birth rate: 1991: 18.6/1,000 population;

(d) Infant mortality: 11 deaths per 1,000 live births.

B. Disabled children (art. 23)

88. There is no specific legislation in Cyprus concerning the rights of mentally or physically disabled children. However, disabled children's rights are safeguarded by existing legislation or administrative measures covering disabled persons in general or certain categories of disability.

89. Thus, the rights of mentally disabled children are safeguarded by the Law for the Protection of the Rights of Persons with Mental Disabilities, No. 117/89.

90. Under this law, all persons with mental disabilities are entitled to a decent life and social security is duly adjusted to their needs and capabilities. In accordance with the provisions of this law, it is the responsibility of the State to provide mentally disabled persons with the necessary means for his or her care, human dignity, healthy life and

development to the fullest possible extent of his or her capabilities. Further, the law addresses the protection of individual rights within the community and the provision of the necessary support services to facilitate the social integration of the individual.

91. Institutional infrastructure for implementing policy and monitoring strategies and mechanisms in this field covers the needs of the whole population of disabled persons and includes, inter alia:

(a) The functioning of a specialized Service for the Care and Rehabilitation of the Disabled within the Department of Labour. The Service deals, among other things, with the promotion of the principle of ensuring equal opportunities, treatment and rights for people with disabilities and facilitating their full participation in the social and economic life of the country through the implementation of a number of measures in the field of vocational and social rehabilitation, vocational guidance, financial and technical assistance, housing, accessibility to the environment, etc. The Service also acts as the coordinating agency for all other issues concerning people with disabilities falling under the jurisdiction of other ministries (education, health, environment, sports, recreation, etc.);

(b) The functioning of the Rehabilitation Council which deals with the formulation of policy and coordination of activities on all issues in the field of rehabilitation of the disabled including issues concerning disabled children. The Council is chaired by the Minister of Labour and Social Insurance and consists of representatives of the organizations of the disabled, employers, workers and of all ministries concerned;

(c) The functioning of the Committee for the Protection of Individuals with a Learning Disability/Mental Handicap, which is an autonomous, legal entity protected and set up through the 1989 Law. The role of the Committee is:

(i) To ensure that the rights of the individual are protected;

(ii) To act as a watch-dog of all services provided, either State or voluntary, for this group and to monitor their effectiveness and quality of care;

(iii) To provide information, advice and guidance to families, individuals and professionals;

(iv) To provide a register of all individuals and a statement of their needs;

(v) To carry out research and publicize good practice;

(vi) To support or establish new services to meet assessed needs;

(vii) To provide Trustees to individuals in order to protect their estate;

(viii) To act as a campaigning force for the rights of people with a learning disability and their families.

92. The focus of the Department of Social Welfare Services in planning programmes for the child with mental and physical disability has always been the maintenance of human dignity, encouragement of independent social functioning within the family and integration in the extended community. The most distinct measures taken by the State include:

(a) The provision of financial assistance to disabled children (Public Assistance Law 8/91) regardless of economic status, as well as special caring arrangements, i.e. home-help service, day-care centres, if they are in need of such help in their daily lives;

(b) The operation of community programmes for the care, protection and employment of children/persons with disability.

93. The State gives high priority to children with disability and lays emphasis on decentralization of services, deinstitutionalization and community care with the operation of small family units, either day-care centres or homes. The emphasis given by the State to community programmes for disabled children is reflected by the increase in both the total amount of money given to community bodies in the form of grants and the number of subsidized programmes providing day care, home help and residential care.

94. According to the Special Education Law 47/79 and relevant regulations, special education geared towards the needs of disabled children is free and compulsory. It is provided through integration of disabled children in the ordinary school system or at special education schools.

95. Any child between the ages of 5-18 suspected of having learning and/or behaviour problems may be referred to the proper authorities for possible special education placement. Before such decision is reached the child must undergo medical and psychological examinations. For this purpose, the legislation requires the establishment of district Psychopedagogical Committees consisting of a psychiatrist, a clinical psychologist, an educational psychologist, a social worker and a representative of the Ministry of Education. They identify the number of handicapped persons, the form and degree of the handicap and they suggest the kinds of immediate and long-term education programmes and facilities needed.

96. The Government's policy is not to segregate disabled children but to give them the opportunity to learn and grow together with normal children. They learn as much as their abilities and potentialities allow them to learn, in the normal school environment which meets their social psychological and physical needs. Extra help is offered to these children by special education teachers. A total number of 54 special educators are offering individualized educational programmes to 700 children all over Cyprus. Moreover, a great number of deaf children are educated in special units attached to primary schools or integrated in the mainstream of education. As of September 1992, a great number of blind children are also partially and experimentally educated in the primary schools.

Special education

97. For those children who suffer from such physical, mental, social or emotional problems, which do not permit them to study and benefit from the ordinary school curriculum, the Government runs special schools, where they can attend special programmes under the guidance of specially trained staff. They receive instruction in schools that are suitably equipped with audio-visual and other aids, which facilitate their work and their activities.

98. During the school year 1992-93 the following special schools are in operation: five schools for trainable children; one school for the deaf; one school for the blind; two schools for spastic children; one school for emotionally disturbed children.

99. Self-care activities, occupational therapy, speech therapy, communication skills, functional academic skills and other subjects aiming at the development of the mental abilities of children to the maximum of their potential are included in the curriculum. In addition, special schools and units strive to ensure the provision of the highest attainable standard of health among their children. Moreover, special programmes are designed to ensure that the disabled child has effective access through the school system to training, health-care services, rehabilitation services, preparation for employment, exercise and recreation opportunities.

100. All special schools and units are staffed by specially trained teachers. During the last three years the Ministry of Education has employed specialists, such as speech therapists, remedial teachers, gymnastics masters, psychologists, etc., thus improving and completing the provision of special education services to children.

101. The financing of the general education programmes for special schools and units also comes under the responsibility of the Ministry of Education. In certain special cases, some additional services may be provided with the close cooperation of the Ministry, the Parents' Association and other charity groups. Financial assistance is given by the Government through the Ministry of Education to Parents' Associations to enable them to provide extracurricular activities after regular school hours for students with special needs.

102. The Ministry of Education also appoints personnel to the following institutions which operate the jurisdiction of other governmental or private bodies:

The Vocational Rehabilitation Centre;

The Homes for severely retarded children which are run by the Ministry of Labour and Social Insurance;

Hospitals and other institutions which are run by the Ministry of Health;

Some philanthropic organizations.

103. In-service training seminars are organized by the Ministry of Education to help teachers acquire new ideas and improve their teaching competence in special education. Seminars are also organized for parents. Specialists from Cyprus as well as from abroad conduct these seminars. The number of teachers who have participated in international seminars and other short courses concerning new methods and approaches in special education has increased during the last three years. This has greatly facilitated the sharing of knowledge and experience between Cypriots and educationists from abroad.

104. Concerning children with special needs, the Ministry of Education in cooperation with the Parents' Associations in an attempt to inform and assist parents publishes a biannual magazine with articles providing both theoretical and practical information on special education issues. This is being done in addition to frequent dispatches in the daily press and other mass communication media on the subject. The Ministry of Education set up, also in 1991, a special committee to investigate in detail ways of assisting people with special needs. This Committee was required to submit a report to the Minister of Education, recommending amendments to the Special Education Law 47/79 and relevant regulations, regarding the provision of improved educational programmes and the integration of the persons with special needs into the general community. The concluding suggestions of this report have become known to the public through the press as well as the radio and television services.

105. At the same time, the Ministry of Education initiated the establishment of a Foundation entitled "Movement for the Provision of Affection and Care towards People with Special Needs". The basic goal of the "Initiative Committee", which is presided by the Minister of Education, is to increase the awareness of the public towards the needs and problems of people with special needs. This is achieved through the organization of various events and activities by the central committee in association with local district committees.

C. Health and health services (art. 24)

106. The Ministry of Health has set as main priorities with regard to child health both preventive and curative health care. Rehabilitation services are also offered in certain fields.

1. Preventive health care

Public Health Unit

107. At central level the Public Health Unit has been strengthening its programmes concerning health promotion and prevention. Activities of this Unit are being carried out in various fields of public health, e.g. nutrition, AIDS, lice, hygienic control, etc. Emphasis has been given to health education. Special efforts have been directed towards the improvement and control of school canteen conditions and items through the cooperation with other sectors, mainly Parents' Committees, the Cyprus Consumers' Association and the Ministry of Education.

Maternal and Child Health-Care Centres

108. Services of these Centres include preventive care for children up to the age of two and concern mainly aspects of development, immunization and advice to mothers.

109. These Centres function through the network of public health-care centres which cover uniformly the totality of the population of the Government-controlled area.

School Health Service

110. The Ministry of Health, in collaboration with the Ministry of Education, runs the School Health Service for all levels of education. These services offer general screening of all primary and secondary school children aiming at the early detention and diagnosis of various health problems for early treatment and prevention, if possible. Every child is entitled to medical examinations concerning the general condition of its health. This includes the administration of booster doses of immunization. Moreover, health education is included in all school curricula.

111. School curricula are being revised giving, among other issues, emphasis to health education in its most inclusive sense. The governmental decision for a health-promoting school programme involves all children at all levels of education. Teacher coordinators for the development and implementation of health programmes are being trained in seminars which are organized by the Ministry of Education and are conducted by specialists who are invited for this purpose from abroad. A wide in-service training programme for all teachers is being planned.

112. In the past and recent years, health and hygiene were taught and promoted as separate subjects in the school curricula. The government decision has adopted a new attitude towards health education. It is a combined effort that is incorporated not only in the whole programme of the schools but also reinforced by the involvement of the parents and the community, through parent guidance programmes, family planning education and health preventive care.

Dental Services

113. The Dental Services have launched a nationwide campaign for the prevention and treatment of caries in primary school children. Such campaigns were taking place in the past but they have been recently strengthened following the results of a survey which was concluded in 1992.

Prenatal diagnosis

114. Services are offered by the:

(a) Paediatric Department of the Referral Hospital in the capital, Nicosia, in cooperation with the centre for the prevention of Thalassaemia (Thalassaemia Prevention Programme);

(b) Gynaecological Department in two main areas:

(i) Ultrasound for the early diagnosis of abnormalities of the foetus as well as abnormal conditions of pregnancy;

(ii) Interventional activities carried out at various early stages of pregnancy (chorion Villi sampling, amniocentesis, chordocentesis) aiming at prenatal diagnosis of congenital diseases, chromosomal abnormalities, infectious diseases, haemolytic disease, etc., and at prenatal treatment of haemolytic disease by blood transfusion to the foetus, intrauterine drainage of obstructive uropathy, etc.

115. Also, Government Health Institutions closely cooperate with the centre for the prevention of mental retardation in the application of the nationwide programme of prenatal control. This programme includes:

(a) The triple test to all pregnant women for Down's syndrome and abnormalities of the spinal canal;

(b) The cytogenetic examination of pregnant women belonging to the high-risk groups. Activities of the centre are subsidized by the Government.

Audiology Centre

116. The Centre, which has been in operation since 1991, offers services for the secondary prevention in matters of hearing impairments in children (and adults).

Institute of Genetics and Neurology

117. This private institution has started its operations as a centre for the prevention of muscular dystrophy and has extended its activities to cover a large spectrum of fields in neurology, genetics and molecular medicine. The aims of the institute are the provision of preventive and medical care and the development of special research programmes. The institute is administratively independent from but is subsidized by the Government and offers its services in cooperation with various departments of medical and public health services.

2. Curative services

118. These services are offered to all those entitled to free medical care, which covers approximately 80 per cent of the population.

Primary health care

119. Basic paediatric care is offered through the network of public health-care centres which are located in all Government Hospitals, Urban Health Centres and Rural Health Centres. The latter have recently been strengthened and increased in number.

Secondary and tertiary care

120. Paediatric departments are located in the four District Hospitals of the unoccupied area of the island. The Paediatric Department of Nicosia is located in the Referral Centre for specialities and offers, besides secondary care, the following sub-specialties: neonatology, paediatric cardiology, oncology/haematology and endocrinology. A Scoliosis Clinic whose patients are mainly children functions once a week as a specialized service of the Orthopaedic Department of Nicosia General Hospital.

Rehabilitation services

121. Under the Medical Law of 1978, all disabled persons including war disabled persons are entitled to rehabilitation and medical care free of charge.

122. In 1983 the Ministry of Health started to operate the paraplegic wing which functions as a Rehabilitation Centre. Services offered to paraplegics, including paraplegic children, consist of basic medical care and routine check-up. Also, physiotherapy is offered to disabled children of various categories including children with cerebral palsy. The Speech Therapy Department of the General Hospital offers diagnosis and treatment of speech impairments in children as well as adults.

D. Social security and child care services and facilities (arts. 26 and 18, para. 3)

123. Under the Social Insurance Law insured persons receiving unemployment, sickness benefit, old-age, invalidity pension or periodical benefits for employment accidents are entitled to receive an increase of benefit for their dependent children. Moreover, an orphan's benefit is payable for children below a prescribed age, both of whose parents are dead (full orphan) or in cases where one of the parents is dead and the surviving parent is not entitled to widow's pension (half orphan).

124. Finally, under the Child Benefit Law, families residing in Cyprus with at least four dependent children are entitled to a child benefit for each child. Once a family acquires entitlement to benefit, this continues to be paid to the family even if the total number of dependent children falls below four.

125. Reference to the establishment of day-care centres for preschoolers by the State as a support system to families where both parents work has already been made in a previous section of this report. This commitment by the Government shows that the State considers day care to be a vital component of the development of a family-support system that would provide some of the assistance formerly available through the extended family.

126. However, in the past few years the Government became very concerned over the results of a survey it carried out on child upbringing in Cyprus which reported that for a substantial percentage (about 29 per cent) of school-age children, no arrangements were made by parents for supervision of their children after school hours. The absence of and the need for organized programmes for this age group then became apparent. The results of this

survey urged the Department to urgently proceed with another survey to specifically investigate this particular issue. This was completed in 1991 and by this time eight day-care centres for school-age children had already been established nationwide. This survey reported that 36 per cent of school-age children of working mothers, among them second-graders as well, were left alone at home after school. The Department has since been vigorously encouraging and funding through its community development programmes the local authorities as well as voluntary organizations interested in child welfare to establish similar programmes. The number of such centres, as already mentioned before, has now tripled to a total of 21.

127. Within the Government the Ministry of Labour and Social Insurance through its Department of Social Welfare Services is responsible for social welfare policy concerning children and has a coordinating role with the non-governmental organizations.

128. The encouragement and development of voluntary initiative in the field of social welfare is an important aspect of social welfare policy.

129. In Cyprus all possible measures are taken to collaborate with voluntary organizations in the implementation of programmes. A special community division within the social welfare system has been set up since 1968 with collaboration and coordination of voluntary welfare organizations as one of its primary objectives.

130. One of the areas of action in this respect has been the setting up of social welfare councils at the local and district levels and on the national level the Pancyprian Welfare Council, all aiming at coordinating and developing welfare associations at local, district and national levels. In this respect collaboration and coordination with government services are facilitated and enhanced.

131. The Department of Social Welfare Services of the Ministry of Labour and Social Insurance encourages and urges all its regional branches to collaborate closely with voluntary organizations operating programmes for children. Financial support is also given to voluntary organizations which set up and run programmes for children (day-care centres for preschool and school-aged children, for children with mental retardation and disability).

E. Standard of living (art. 27, paras. 1-3)

132. The public assistance legislation safeguards the rights of persons legally residing in the Republic to a minimum standard of living by providing financial assistance and welfare services.

133. In the case of children, the parents are responsible for providing, within their abilities and financial capacities, food, shelter and clothing. When the parents are not in a position to provide these the State undertakes this responsibility according to Public Assistance Law 8/91.

134. The Department of Social Welfare Services, which is the competent authority for the administration of this Law, gives special importance to families with children the income and resources of which do not satisfactorily

meet their basic needs. Specifically, article 3 (2) a (ii) (iii) and (iv) of the Law allows for certain categories of families to qualify for public assistance even though they may be engaged in full-time employment and have children under the age of 18 years of age. This Law covers single parent families, parents who have at least four children and any person who is faced with exceptionally difficult and serious family circumstances and where financial assistance may work as a contributing factor against the family's dissolution.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education including vocational training and guidance (art. 28)

135. The right of the child to education is secured by article 20 of the Constitution of Cyprus and articles 86-109 on the establishment and functioning of the Communal Chamber, which was the appropriate education authority until 1965, when the exercise of its competence and its general functioning were transferred to the Ministry of Education. (The Competence of the Greek Communal Chamber (Transfer of Exercise) and Ministry of Education Law 12 of 1965.)

136. Primary education, which is fully available and free to all children aged 5½ to 13, became compulsory in 1962 (Amendment, Compulsory Elementary Education Law 14 of 1962). The Law makes parents responsible to allow and require their children to attend regularly primary school, or to provide to the child education judged by the Director of Primary Education as equivalent to that provided in the primary school. Negligence of these duties constitutes an offence. Parents who violate the Law are fined.

137. Since 1985 attendance at the gymnasium, which is the first cycle of secondary schooling (three-year programme), has been compulsory and free by decision of the Council of Ministers (decision No. 25942, dated 18 June 1985). A proposal for the enactment of a relevant law has been forwarded to the Parliament. Thus, education of nine years' duration is compulsory and free from the ages of 5½ to 15 or the completion of the first cycle of secondary education.

138. The "lyceum", which is the second three-year cycle of secondary general education, is also free to all children who have completed the nine-year compulsory schooling. In the lyceum the Optional Subjects System is in effect. At present there is a compulsory common core with the addition of one from five package-subjects as option. The Department of Secondary Education is working towards the enhancement of versatility of the system so as to increase the options and provide the individual with a wider scope by offering choices from a large number of subjects instead of packages as options.

139. Technical schools also accept children who have completed the first cycle of secondary education and wish to have vocational instead of general education. They also offer a compulsory common core of subjects with the addition of one from several specialities of vocational education.

140. Financial aid is provided where necessary by school committees and by the Government.

141. Higher education is open to every individual provided he/she is a secondary school graduate with six years of schooling at this level.

142. Since the places at the State third-level education institutions are limited, selection is made by competitive examinations which are organized and administered each year by the Ministry of Education. Only holders of a secondary school leaving certificate (apolyterion) may participate in these examinations.

143. Requirements for admission into private third-level education institutions are decided by each individual institution; a secondary school leaving certificate is necessary and it might even be sufficient.

144. Cyprus is already connected to EARN (European Academic and Research Network) and all private and public educational institutions and research organizations may benefit from this connection.

145. The main task of the guidance and counselling services, both at the central offices of the Ministry of Education and at all public secondary education schools (gymnasiums, lyceums and technical schools) is to provide assistance to individuals towards their personal, educational and vocational goals. This is achieved by appointing school counsellor(s) to each public secondary school with the primary aim of offering, on a regular basis, personal, educational and vocational guidance. The creation of the new teacher speciality, "teacher of counselling and guidance" in 1991, which requires a post-graduate qualification in counselling/guidance, marked a positive development and improvement of the guidance and counselling services offered in Cyprus. The counsellor conducts personal interviews with all ninth-graders who will have to choose the appropriate post-gymnasium educational cycle (one of the five curricula in the lyceum or one of the various technical or vocational specializations in the technical school). The counsellor is also available for interviews with pupils from other grades who happen to have personal, educational or vocational concerns and seek his/her assistance. Moreover, he/she carries out orientation sessions with seventh-graders to introduce them to their new school environment and organizes lectures and presentations by various professionals and visits to workplaces and educational institutions.

146. In most high schools there is an appropriately furnished and equipped guidance and counselling office and a library of educational and vocational information material available and accessible to all interested pupils. This material is continuously enriched and updated with the latest editions of books, university catalogues, information leaflets, etc. The central offices of the guidance and counselling services serve both the general public and high school pupils. The functions of the central offices include (i) providing individual counselling, (ii) distributing information to secondary education pupils, (iii) providing educational and vocational information to interested persons by correspondence or by 'phone, (iv) collecting, keeping and updating the educational and vocational material of the central offices' library which is at the disposal of every interested person, (v) preparing and producing brochures and pamphlets based on this material and distributing them to schools, and (vi) organizing lectures on occupations, studies abroad, employment prospects, etc.

147. According to relevant regulations, the principals of schools are responsible to report to the Ministry of Education any irregular attendance, dropping out of school or non-attendance. Violators of the law are legally prosecuted if uncooperative. There are also supportive measures if the family is in a state of need.

148. However, with the permission of the Director of Primary Education, based on the suggestion of psychopedagogical district committees, primary school registration and attendance of a child may be delayed in cases of illness, handicap or delayed development. These children attend alternative pre-school or special education programmes geared to the child's potentialities and aiming at the enhancement of its development.

149. The provision of the Compulsory Education Law allowing prosecution of parents whose children attend school irregularly or who do not attend at all has not usually been invoked since school attendance is almost 100 per cent. According to statistics published by the Department of Statistics and Research, there was only a 0.15 per cent drop-out rate in the year 1992.

150. Between the years 1985 and 1993 only 14 cases of dropping out from primary school and 16 from secondary school were reported. In all cases, parents responded positively to the notification sent to them by the inspectors and the attendance of their children continued.

151. Regular attendance in primary and secondary schools has also been effected through pedagogic measures (appropriate methodology, motivation, needs assessment, etc.), through administrative counselling measures such as organization of extracurricular activities, communication with parents, regular checking, and home visits by counsellors.

152. School discipline is ensured by fostering self-discipline in each child through programmes for social, moral and emotional development. Decent human relations, positive modelling, creating the appropriate social climate in the school, boosting the child's self-image, sensitization of the teachers to the vast effects of the hidden curriculum, democratic class management and participation of the students in the school administration are among the measures employed to achieve the form of school discipline which safeguards the child's dignity and self-respect.

153. Since the early 1960s, all forms of oppression were banned from schools through ministerial circulars and regulations.

154. Violation of the relevant regulations constitutes an offence and offenders undergo the consequences of their actions as decided by the Directors of Education or the Educational Service Committee.

155. International cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods, is achieved through the following:

(a) Participation of teachers in international conferences and seminars on the above subjects organized by international organizations such as the

Council of Europe, UNESCO, the Commonwealth, the Fulbright Office, the Cyprus American Scholarship Program and 22 other countries of the world with which Cyprus has signed conventions for educational, cultural and scientific exchange and cooperation;

(b) Exchange of consultants with the aforementioned countries;

(c) Conventions with universities abroad which offer courses to teachers for further professional studies and training in the area of scientific and technical knowledge, instructional technology, curriculum development, educational administration and modern teaching methods;

(d) Connection of the Pedagogical Institute, which organizes seminars for in-service training of teachers, with the European Academic and Research Network;

(e) Participation of students in international contests in the areas of academic and scientific knowledge, literature and the arts;

(f) Participation of students in international conferences, seminars and activities organized at home or abroad which promote exchange of knowledge and contribute to international understanding and sensitivity to the needs of developing countries.

B. Aims of education (art. 29)

156. The provisions of this article are well covered by the aims and objectives of education in Cyprus.

157. The aim of education in Cyprus, as defined in the National Report of the Ministry of Education Department of Education 1990-1992, is "the development of free and democratic citizens with a fully developed personality, mentally and morally refined, healthy active and creative who will contribute with their work and their conscientious activity in general to the social, scientific, economic and cultural progress of our country and to the promotion of cooperation, mutual understanding and love among men and people for the prevalence of freedom, justice and peace".

158. School curricula in Cyprus help children maximize their potential, enhance their physical, mental and emotional-social abilities and cultivate their talents.

159. In their capacity as educators, along with their specialized knowledge in the counselling theories and techniques and their day-to-day contact with their pupils, school counsellors help a lot towards unfolding their pupils' potential. A very useful instrument towards this end is the teaching of the course "Career Education" to all ninth-graders once a week for one semester. Its purpose is to help students, through a number of suitable exercises, to understand themselves better (their interests, abilities, limitations), along with their environment, the world of work, the factors involved in making choices, mainly occupational choices, and, finally, refine the process of decision-making. As far as this course is concerned, pupils do not receive a formal evaluation in terms of a grade. Therefore, in this non-threatening

situation where pupils have their school counsellor's unconditional support and acceptance, the development and acceptance of one's personality with its distinct characteristics becomes a reality.

160. The recent introduction of lessons on "Personal and Social Education" to ninth-graders will also help towards this end.

161. Respect for human rights, for fundamental freedoms and for the principles enshrined in the Charter of the United Nations has central position among the objectives for social, moral, emotional and cognitive development of children. This is also an aim of supreme national significance since Cyprus has suffered violation of human rights, dignity and justice as a result of the Turkish invasion, the occupation of 40 per cent of the island by Turkish troops and the displacement of 200,000 people.

162. Among the objectives of the curriculum, those focusing on the development by the child of respect for its parents, the elderly, all human beings and living creatures in general loom high, as is the case for the development of respect for the child's cultural identity, its language and values, for the national values of the country and for civilizations different from its own.

163. School curricula approved by the Ministry of Education have as one of their aims the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of the sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin. Children are exposed to these values in actual life as they are through the school curriculum. In addition, a spirit of tolerance, understanding and friendship and cooperation of all religious and minority groups is being cultivated.

164. School curricula promote equality of the sexes through participation of children of both sexes in activities which were traditionally sex biased and through the development of appropriate attitudes, and by banning sex stereotypes in general from school programmes.

165. The development of respect for the natural environment is one of the objectives of school curricula which pervades every subject and every aspect of school life.

166. The target is the development of positive attitudes towards the environment and also the acquisition of knowledge and skills necessary for environmental awareness (such as skills and measures to anticipate pollution and destruction of the ozone layer, to save energy, to protect the environment, to save tins, glass, paper and plastic containers for recycling, to acquire skills for gardening and looking after animals).

167. Environmental studies are carried out during visits, school trips and camping.

168. The right of individuals to establish and direct educational institutions is constitutionally safeguarded (art. 20-1 of the Constitution). For pre-primary, primary and secondary private education, the relevant law is Law 5 of 1971 which regulates the establishment and operation of private

schools. According to this Law the owner of any educational institution has to submit to the Ministry, among other requirements, "the curriculum of the school" for approval. The curriculum is approved if it is in line with the educational policy and philosophy of the State, if it provides for the rights of the child as declared by the Convention and promotes the child's overall development, adjustment to society and preparation for life.

169. According to the provisions of Law 1/87 regarding the establishment and operation of third-level education institutions, any individual or body is free to establish and direct a third-level education institution, provided the criteria set by the Law are met.

170. In 1989 a law providing for the establishment and operation of the University of Cyprus, Law 144 of 1989, was enacted. According to this Law the university shall meet the needs of all citizens of the Republic of Cyprus and shall also admit foreign students.

171. The University of Cyprus begun its operations in September 1992.

C. Leisure, recreation and cultural activities (art. 31)

172. At school children have intervals between classes daily, during which they can play and rest.

173. Art, music and physical education are subjects included in the school programme and emphasized by the curriculum. For these classes students are provided with a variety of musical instruments, art materials and equipment for physical education. Children are motivated through the organization of art exhibitions, sports events and games within their school and among schools in the area.

174. Two periods a week are devoted to free activities during which children are encouraged to participate according to their interests in extracurricular activities (drama, choir and orchestra, arts and crafts, sports, games and dances, volunteer and social work, gardening and environmental care, etc.).

175. According to a circular addressed to headmasters by the Ministry of Education children have to attend theatrical performances in their area at least three times a year as part of the school programme. They are also encouraged to attend cultural activities organized in their community and visit museums, art exhibitions and places of interest.

176. Children participate in festivals, fairs and other recreational and cultural activities which are organized by the schools, by parents' associations, the municipalities and other cultural organizations.

177. The schools organize visits, trips and educational camping which combine learning with leisure activities and pleasure.

178. Parents' associations in collaboration with the school administrators organize extra classes, with very low fees, in music, art and dancing in the afternoons which children can attend.

179. The Ministry of Education, in collaboration with the organization "Sports for All", organizes sports and games in the afternoon at the local schools for children of the area.

180. Children organize and present programmes to their parents on certain occasions such as Christmas, national holidays, Mother's Day or at the end of the school year. The programmes include acting, songs, poems and dances.

181. The curricula of secondary education incorporate programmes which cater for the aesthetic, cultural and artistic development of children. Moreover, clubs or special interest groups are organized by schools which provide the opportunity to children to develop along the line of their inclinations. In addition, a whole array of sport, athletic, cultural and artistic functions are organized for recreational and creative purposes.

VIII. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency and children in conflict with the law

182. Several provisions, constitutional or legislative, ensure the respect for human rights and fundamental freedoms, as envisaged in international instruments, of every person in the Republic accused of having infringed the penal law, including provisions specifically applicable to children and juvenile offenders.

1. The administration of juvenile justice (art. 40)

183. According to section 14 of the Criminal Code Cap. 154 of the Laws of Cyprus, a person under the age of seven years is not criminally responsible for any act or omission. A person between the ages of 7-12 is not criminally responsible for an act or omission, unless it is proved that at the time of doing the act or making the omission he had capacity to know that he ought not to do the act or make the omission.

184. A male person under the age of 12 years is presumed to be incapable of having carnal knowledge.

185. The presumption of innocence of an accused person and the doctrine of nullum crimen nulla poena sine lege are expressly pronounced in article 12 of the Constitution of the Republic. The relevant paragraphs read as follows:

> "1. No person shall be held guilty of an offence on account of any act or omission which did not constitute an offence under the law at the time when it was committed and no person shall have a heavier punishment imposed on him for an offence other than that expressly provided for it by law at the time when it was committed.
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> "...
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> "4. Every person charged with an offence shall be presumed innocent until proven guilty according to law."

186. Furthermore, article 12 of the Constitution lays down in paragraph 5 the minimum rights of every person charged with an offence, i.e.:

(a) To be informed promptly and in a language which he understands and in detail of the nature and grounds of the charge preferred against him;

(b) To have adequate time and facilities for the preparation of his defence;

(c) To defend himself in person or through a lawyer of his own choosing or, if he has no sufficient means to pay for legal assistance, to be given free legal assistance when the interests of justice so require;

(d) To examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(e) To have the free assistance of an interpreter if he cannot understand or speak the language used in court.

187. Several provisions contained in the Juvenile Offenders Law Cap. 157 aim at dealing with child (under the age of 14) and young (between 14-16 years of age) offenders in a manner that takes into account their tender age and is consistent with the promotion of their best interests:

(a) Such cases are heard by a juvenile court sitting in a different building or room from that in which the ordinary sittings of the District Court are held, or on different days or at different times from such sittings;

(b) It is a duty of the court to explain in simple language to the child or young person brought before it the substance of the alleged offence;

(c) Privacy is fully respected at all stages of the proceedings. In a juvenile court no person other than the members and officers of the court and the parties to the case, their advocates and other persons directly concerned in the case are allowed to attend. The court may, at its discretion, require the attendance of the parents or guardian;

(d) The court may obtain information as to the child's or young person's general conduct, home surroundings, school record and medical history.

188. With the aim of placing the emphasis on prevention rather than punishment, a new procedure was adopted in 1978 for dealing with juvenile delinquents in cooperation with the police and Attorney General, so as to avoid penal measures for persons under 16 years of age. The essence of the current procedure is to treat such cases as children needing help rather than dealing with them as young offenders. With the handling of such cases usually entrusted to the Welfare Development, social work services are offered not merely to the child but to the family as a whole.

2. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b), (c) and (d))

189. Under the provisions of article 11 of the Constitution of Cyprus:

"With the exception of a flagrant offence punishable with imprisonment, no person may be arrested save under the authority of a reasoned judicial warrant issued according to the formalities prescribed by the law."

190. Every person arrested shall be informed of the reasons of his arrest and be allowed to have the services of a lawyer, and shall as soon as is practicable, and in any event not later that 24 hours after his arrest, be brought before a judge if not released earlier. The judge shall promptly proceed to inquire into the grounds of the arrest and shall as soon as possible, and in any event not later than three days from such appearance, either release the person arrested or, where the investigation into the commission of the offence has not been completed, remand him in custody and may remand him in custody from time to time for a period not exceeding eight days at any one time.

191. The total period of such remand shall not exceed three months from the date of the arrest.

192. The remand of a person in custody either during the investigation of a criminal offence or after the framing of charges and pending trial is invariably looked upon by the courts in Cyprus as an exceptional measure, derogating from the presumption of innocence which must be strictly justified, more so in the case of young offenders and children. The courts are vested with discretion in the matter and when adjudicating on a remand application are bound to bring about a balance between the need to uphold individual liberty on the one hand and the necessity of bringing the culprit to justice on the other.

193. Any such decision is subject to appeal.

194. When dealing with cases where children and young persons are suspected of having committed an offence the police make sure that the parents or guardians as well as the Divisional Police Commander are promptly informed. Where the suspect is a pupil, arrest and examination at school are avoided and when such a course is absolutely necessary, it is effected only with the consent and in the presence of the schoolmaster.

195. By virtue of section 7 of the Juvenile Offenders Law, a court on remanding or committing for trial a minor who is not released on bail shall, where practicable, instead of committing him to prison, commit him to custody in a police station. The police have the duty to make arrangements for preventing his association with an adult charged with an offence.

3. The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a))

196. According to section 12 of the Juvenile Offenders Law Cap. 157 where the court before which a child or young person is tried for any offence is satisfied of his guilt, it may deal with the case in any of the following ways:

(a) By dismissing the charge;

(b) By committing the offender to the supervision of a probation officer under the provisions of the Probation of Offenders Law Cap. 162. (The task is entrusted to the Welfare Office of the Ministry of Labour and Social Insurance.);

(c) By committing the offender to the care of a relative or other fit person;

(d) By sending the offender to a reform school;

(e) By ordering the offender to pay a fine, damages or costs to which he is liable. The court may, and where the offender is a child shall, order that the fine, damages or costs be paid by the parents or guardian;

(f) By imposing a sentence of imprisonment. By express provision in this section no child shall in any case be sentenced to imprisonment and no young person shall be sentenced to imprisonment if he can be suitably dealt with in any of the ways set out above.

197. In fact, it can safely be stated that it has been and still is a goal of national criminal policy in Cyprus to extend the use of non-custodial sanctions in substitution of custodial ones. A series of judicial decisions over the last 25 years suggests that imprisonment ought to be a measure of last resort and, in the case of young offenders, a measure to be avoided, unless considered inevitable in view of the gravity of the offence or persistent recidivism.

198. It should be noted that within the framework of the policy towards abolition of institutional/custodial treatment of juvenile offenders was also the closing down in 1987 of the only reform school in Cyprus, which had no inmates at the time.

199. Young offenders sentenced to imprisonment are held separately and do not associate with adult prisoners.

200. Capital punishment was abolished in Cyprus in 1983 (Law 86/83). Even before its abolition the death penalty could not, under the Criminal Code, be pronounced on or recorded against a person who at the time when the offence was committed was under the age of 16 years.

201. By virtue of article 53 of the Constitution of Cyprus, the President of the Republic may on the recommendation of the Attorney General remit, suspend or commute any sentence passed by a court in the Republic.

202. Prison regulations provide for the remission of sentences for good conduct and industry.

4. Physical and psychological recovery and social reintegration (art. 39)

203. The responsibility of the State to take appropriate measures to promote physical and psychological recovery and social integration of a child victim have been dealt with in previous sections of this report.

B. Children in situations of exploitation, including physical and psychological recovery and social reintegration (art. 39)

1. Economic exploitation, including child labour (art. 32)

204. Further to the information provided as regards minimum ages for admission to employment, the implementation of article 32 of the Convention is ensured through:

(a) The various provisions of the Children and Young Persons (Employment) Laws which also regulate the hours of work and put restrictions on their employment at night;

(b) The Annual Holidays with Pay Laws of 1967 to 1980 which also guarantee the right of every employee (including persons below the age of 18) to a minimum annual holiday with pay;

(c) The provisions of the industry-wide collective agreements which specify, inter alia, minimum wages for young workers and apprentices below the age of 18;

(d) Specific vocational training schemes specially geared towards the needs of young persons.

205. Notwithstanding the above legislation and other measures, it is pointed out that in practice the vast majority of persons below the age of 18, attend full-time formal education.

2. Drug abuse (art. 33)

206. All provisions of the law which are related to the illegal use, possession and trafficking of narcotics concern all persons regardless of their age. However, the problem among young people remains one of the most serious problems which concerns all competent authorities in many countries. Although Cyprus is being used as a drug trafficking country, we still do not have a drug problem, despite the large number of tourists visiting the island.

207. Police efforts are devoted basically to preventive work, information and education in cooperation with voluntary associations and other governmental departments. Preventive work is based on cooperation between police, social services, schools and associations.

3. Sexual exploitation and sexual abuse (art. 34), other forms of exploitation (art. 36) and sale, trafficking and abduction (art. 35)

208. The Criminal Code provides for offences against children such as:

(a) Unlawful abduction of unmarried girls under the age of 16 out of the custody or protection of father, mother or guardian and without their consent (Sect. 149);

(b) Defilement or attempt to defile females under the age of 16 (Sect. 154);

(c) Any person having the custody, charge or care of a child between the ages of 4 and 16 who allows same to reside in or frequent a brothel (Sect. 158);

(d) Unnatural offences with children under 13 (Sect. 174);

(e) Unlawful abandonment or exposure of any child under the age of two years thereby endangering the life of the child or permanently injuring its health (Sect. 181);

(f) Unlawful and intentional deprivation of parents, guardians, etc. of a child under the age of 14 or the possession of such child (Sect. 185);

(g) Kidnapping of male children under the age of 14 or females under the age of 16 (Sect. 246).

209. The questioning and obtaining of statements of children under the age of 16 are carried out in the presence of a parent or guardian. The detention and questioning of students under the age of 16 take place not within the school premises but, in exceptional cases, such questioning may be conducted in the presence of their teachers.

C. Children belonging to a minority or an indigenous group (art. 30)

210. No indigenous group exists in Cyprus and the rights of all minority groups inhabiting Cyprus are safeguarded by specific provisions of the Constitution.

List of Annexes*

1. The Juvenile Offenders Law Cap. 157.
2. The Public Assistance and Services Law, 1991 (L. 8/91).
3. The Probation of Offenders Law Cap. 162.
4. The Children Law Cap. 352.
5. The Adoption Law Cap. 274.
6. The Relationship between Parents and Children Law, 1990 (L. 216/90).
7. The Competence of the Greek Communal Chamber (Transfer of Exercise) and Ministry of Education Law, 1965.
8. Ο περί Σχολών Τριτοβάθμιας Εκπαιδεύσεως Νόμος του 1987.
9. Private Schools Law 1971.
10. Ο περί Ειδικής Εκπαιδεύσεως Νόμος του 1979.
11. Νόμος προνοών περί της Μεταβιβάσεως της Ασκήσεως των Αρμοδιοτήτων της Ελληνικής Κοινοτικής Συνελεύσεως και της Ιδρύσεως Υπουργείου Παιδείας.
12. The University of Cyprus Law.
13. Νόμος περί Στοιχειώδους Εκπαιδεύσεως (Τροποποιητικός περί Υποχρεωτικής Εκπαιδεύσεως) Νόμος 1962.
14. Employment of Children and Young Persons Law.
15. Ο περί Νοητικά Καθυστερημένων Ατόμων Νόμος του 1989.
16. Ο περί Απασχολήσεως Παιδιών και Νεαρών Προσώπων (Τροποποιητικός) Νόμος του 1990.

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* Available for consultation in the files of the Secretariat.